

REMARKS

Claims 1, 2, 7-9, and 14 are pending in the present application. Claims 1 and 8 are in independent form, and have been amended hereby. Claims 4-6 and 11-13 have been cancelled, without prejudice or disclaimer. Favorable reconsideration is requested.

Reconsideration is respectfully requested of the rejection of Claims 1, 2, 4, 7-9, 11, and 14 under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Publication No. 2004/0136368 (“Wakayama”); and of the rejection of Claims 5, 6, 12, and 13 under 35 U.S.C. §103(a), as being obvious over Wakayama in view of U.S. Patent No. 6,606,316 (“Albert”).

Independent Claims 1 and 8 have been amended hereby in order to clarify the relationship between the second step (or means) and the third step (or means) such that the third step (or means) stores the statistic information of the pattern retrieved, when the second step (or means) determines that the pattern has been retrieved, that is, when the pattern extracted from the pattern extraction position is matched with the retrieved pattern.

Wakayama, as best understood, shows a similar kind of tables only in Figs. 3 and 5, however, fails to disclose a “packet type” itself in Figs. 3 and 5, and further fails to disclose extracting a pattern from a pattern extraction position corresponding to the packet type.

It seems from the rejection in the Office Action that the Examiner deems that there must exist a table describing a packet type since the Ethernet header 600 in Fig. 12 shows “type 603” including some preset value. That is, and without support, only from the fact that the IP header describes “type” and that the table in Fig. 3 of Wakayama describes SA, DA, the Examiner incorrectly concludes that:

feature (1) of “the first step (or means) sets in the table a packet type, a pattern extraction position within a header of a received packet corresponding to the packet type and a retrieval

pattern corresponding to the pattern extraction position";

feature (2) of "the second step (or means) determines that the pattern has been retrieved when the pattern of the received packet is retrieved based on the pattern extraction position corresponding to the packet type of the received packet and the retrieved pattern is matched with the retrieval pattern set in the table"; and

feature (3) of "the third step (or means) stores the statistic information of the pattern retrieved, when the second step (or means) determines that the pattern has been retrieved", as recited in amended independent Claims 1 and 8 are all disclosed in Wakayama, and fails to explain how the information of the IP header is used as "a packet type."

It is known that a received packet includes therein SA and DA, however, Wakayama is silent regarding the feature of the presently claimed invention "*the pattern extraction position within a header of a received packet corresponding to the packet type*" included in the above-described features (1) and (2) which serve to extract the retrieval pattern.

The above difference comes from the difference between an object of Wakayama that is to perform an equal distribution depending on actual traffic, and an object of the presently claimed invention that is to collect statistic information corresponding to a user policy.

Albert merely discloses a system and method of gathering statistics for packets forwarded by using fixed affinity, and therefore fails to cure the deficiencies of Wakayama.

Accordingly, it is respectfully submitted that amended independent Claims 1 and 8, and the claims depending therefrom, are patentably distinct over Wakayama and Albert, alone or in any possible combination.

In view of the amendments and remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the

Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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